

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00646-TNM**

HUMANE SOCIETY OF THE UNITED STATES v. ANIMAL AND PLANT HEALTH INSPECTION SERVICE et al

Assigned to: Judge Trevor N. McFadden

Cause: 05:552 Freedom of Information Act

Date Filed: 03/21/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**HUMANE SOCIETY OF THE  
UNITED STATES**

represented by **Kimberly Denise Ockene**  
HUMANE SOCIETY OF THE UNITED  
STATES  
Animal Protection Litigation  
1255 23rd Street, NW  
Suite 450  
Washington, DC 20037  
(202) 285-1388  
Fax: (202) 778-6134  
Email: [kockene@humane.org](mailto:kockene@humane.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Laura Friend**

HUMANE SOCIETY OF THE UNITED  
STATES  
Animal Protection Litigation  
1255 23rd Street, NW  
Suite 450  
Washington, DC 20037  
(202) 676-2331  
Fax: (202) 778-6134  
Email: [lfriend@humane.org](mailto:lfriend@humane.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**ANIMAL AND PLANT HEALTH  
INSPECTION SERVICE**

represented by **Joshua M. Kolsky**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2541  
Fax: (202) 252-2599  
Email: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE**

represented by **Joshua M. Kolsky**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**SONNY PURDUE**

*in his official capacity as Secretary of the  
United States Department of Agriculture*

represented by **Joshua M. Kolsky**  
(See above for address)  
**LEAD ATTORNEY**

TERMINATED: 06/14/2018

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/21/2018	<u>1</u>	COMPLAINT against ALL DEFENDANTS ( Filing fee \$ 400 receipt number 0090-5383001) filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Friend, Laura) (Entered: 03/21/2018)
03/21/2018	<u>2</u>	Corporate Disclosure Statement by HUMANE SOCIETY OF THE UNITED STATES. (Friend, Laura) (Entered: 03/21/2018)
03/21/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 03/23/2018)
03/26/2018	<u>3</u>	SUMMONS (5) Issued Electronically as to ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent) (tth) (Entered: 03/26/2018)
04/11/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2018. (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018)
04/11/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/2/2018. (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018)
04/11/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ANIMAL AND PLANT HEALTH INSPECTION SERVICE served on 4/2/2018 (Attachments: # <u>1</u> Exhibit Receipt and Tracking)(Friend, Laura) (Entered: 04/11/2018)
04/11/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 3/30/2018 (Attachments: # <u>1</u> Exhibit Receipt and Tracking)(Friend, Laura) (Entered: 04/11/2018)
04/11/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SONNY PURDUE served on 3/30/2018 (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018)
04/11/2018	<u>9</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 4/11/2018. (lctnm2) (Entered: 04/11/2018)
04/25/2018	<u>10</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Kolsky, Joshua) (Entered: 04/25/2018)
04/25/2018	<u>11</u>	Unopposed MOTION for Extension of Time to <i>File Answer or Otherwise Respond to Complaint</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 04/25/2018)
04/26/2018		MINUTE ORDER. The Defendants' <u>11</u> Unopposed Motion for Extension of Time is hereby GRANTED. The Defendants shall file their answer or other responsive pleading on or before June 1, 2018. Signed by Judge Trevor N. McFadden on 4/26/2018. (lctnm2) (Entered: 04/26/2018)
04/26/2018		Set/Reset Deadlines: Defendants' response to Complaint due by 6/1/2018. (hmc) (Entered: 04/26/2018)
05/31/2018	<u>12</u>	WITHDRAWN pursuant to notice filed on 6/14/2018.....MOTION to Dismiss <i>in Part</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) Modified on 6/14/2018 (hmc). (Entered: 05/31/2018)

06/14/2018	<u>13</u>	NOTICE of Voluntary Dismissal by HUMANE SOCIETY OF THE UNITED STATES (Friend, Laura) (Entered: 06/14/2018)
06/14/2018	<u>14</u>	NOTICE OF WITHDRAWAL OF MOTION by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE re <u>12</u> MOTION to Dismiss <i>in Part</i> (Kolsky, Joshua) (Entered: 06/14/2018)
06/15/2018		MINUTE ORDER. Upon consideration of the Plaintiff's <u>13</u> Notice of Voluntary Dismissal In Part, and the Government's <u>14</u> Notice withdrawing its <u>12</u> Motion to Dismiss In Part, Count Four of the <u>4</u> Complaint is DISMISSED without prejudice, and all claims against U.S. Secretary of Agriculture Sonny Perdue are DISMISSED without prejudice. The Government shall file an answer on or before June 28, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/15/2018. (lctnm2) (Entered: 06/15/2018)
06/18/2018		Set/Reset Deadlines: Government's answer due by 6/28/2018. (hmc) (Entered: 06/18/2018)
06/28/2018	<u>15</u>	ANSWER to Complaint by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE.(Kolsky, Joshua) (Entered: 06/28/2018)
07/17/2018	<u>16</u>	NOTICE of Appearance by Kimberly Denise Ockene on behalf of All Plaintiffs (Ockene, Kimberly) (Entered: 07/17/2018)
07/25/2018	<u>17</u>	Joint STATUS REPORT by HUMANE SOCIETY OF THE UNITED STATES. (Friend, Laura) (Entered: 07/25/2018)
07/26/2018		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, the Court adopts the briefing schedule proposed therein. Defendants shall file their Motion for Summary Judgment by September 7, 2018; Plaintiff shall file its Response to Defendants' Motion for Summary Judgment, and its Cross-Motion for Summary Judgment by November 2, 2018; Defendants shall file their Response to Plaintiff's Cross-Motion for Summary Judgment, and Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment by November 29, 2018; and Plaintiff shall file its Reply to Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment by December 20, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/26/2018. (lctnm2) (Entered: 07/26/2018)
07/27/2018		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 9/7/2018. Plaintiff's Response to Defendant's Motion for Summary Judgment and its Cross-Motion due by 11/2/2018. Defendants' Response to Plaintiff's Cross-Motion and Reply in support of its Motion for Summary Judgment due by 11/29/2018. Plaintiff's Reply in support of its Cross-Motion due by 12/20/2018. (hmc) (Entered: 07/27/2018)
09/07/2018	<u>18</u>	MOTION for Summary Judgment by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16)(Kolsky, Joshua) (Entered: 09/07/2018)
11/02/2018	<u>19</u>	Cross MOTION for Summary Judgment by HUMANE SOCIETY OF THE UNITED STATES (Attachments: # <u>1</u> Declaration of Debra L. Leahy, # <u>2</u> Declaration of John Goodwin, # <u>3</u> Text of Proposed Order)(Friend, Laura) (Entered: 11/02/2018)
11/02/2018	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Declaration of Debra L. Leahy, # <u>2</u> Declaration of John Goodwin, # <u>3</u> Text of Proposed Order)(Friend, Laura) (Entered: 11/02/2018)
11/21/2018	<u>21</u>	Consent MOTION for Extension of Time to File <i>Summary Judgment Briefs</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 11/21/2018)

11/27/2018	MINUTE ORDER granting <u>21</u> Consent Motion for Extension of Time to File Summary Judgment Briefs. Defendants shall file their opposition to Plaintiff's Cross Motion for Summary Judgment no later than December 13, 2018. It is further ordered that Plaintiffs shall file any reply no later than January 24, 2019. Signed by Judge Trevor N. McFadden on 11/27/2018. (lctnm2) (Entered: 11/27/2018)
------------	--